

SENATE BILL 316

J3, O2, O3

2lr2094
CF 2lr1572

By: **Senators Pugh, Benson, Forehand, Jones–Rodwell, King, Klausmeier,
Manno, Montgomery, Muse, Peters, and Stone**

Introduced and read first time: January 27, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Health Care Facilities – Abuser**
3 **Registry**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish
5 a registry that includes certain information on certain employees of health care
6 facilities who provide services to certain individuals and who were terminated
7 for certain reasons; requiring the placement of a certain employee on the
8 registry under certain circumstances; authorizing certain health care facilities
9 to have access to the registry; prohibiting a health care facility from allowing an
10 employee to access the registry except under certain circumstances; authorizing
11 a person responsible for a certain individual to access the registry; requiring a
12 health care facility to adopt a certain procedure; prohibiting a health care
13 facility from hiring certain individuals; defining certain terms; and generally
14 relating to a registry of terminated employees of health care facilities.

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 19–114(d)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)

20 BY adding to
21 Article – Health – General
22 Section 19–347.1 and 19–351(e) and (f)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2011 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Health – General
27 Section 19–351(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2011 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Health – General**

6 19–114.

7 (d) (1) “Health care facility” means:

8 (i) A hospital, as defined in § 19–301 of this title;

9 (ii) A limited service hospital, as defined in § 19–301 of this
10 title;

11 (iii) A related institution, as defined in § 19–301 of this title;

12 (iv) An ambulatory surgical facility;

13 (v) An inpatient facility that is organized primarily to help in
14 the rehabilitation of disabled individuals, through an integrated program of medical
15 and other services provided under competent professional supervision;

16 (vi) A home health agency, as defined in § 19–401 of this title;

17 (vii) A hospice, as defined in § 19–901 of this title;

18 (viii) A freestanding medical facility, as defined in § 19–3A–01 of
19 this title; and

20 (ix) Any other health institution, service, or program for which
21 this Part II of this subtitle requires a certificate of need.

22 (2) “Health care facility” does not include:

23 (i) A hospital or related institution that is operated, or is listed
24 and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

25 (ii) For the purpose of providing an exemption from a certificate
26 of need under § 19–120 of this subtitle, a facility to provide comprehensive care
27 constructed by a provider of continuing care, as defined in § 10–401 of the Human
28 Services Article, if:

29 1. Except as provided under § 19–123 of this subtitle,
30 the facility is for the exclusive use of the provider’s subscribers who have executed

- 1 (1) **A SENIOR CITIZEN;**
- 2 (2) **A DISABLED INDIVIDUAL;**
- 3 (3) **A DEVELOPMENTALLY DISABLED INDIVIDUAL;**
- 4 (4) **AN INDIVIDUAL RECEIVING CARE BY AN IN-HOME AIDE; OR**
- 5 (5) **ANY INDIVIDUAL INCAPABLE OF SELF-DEFENSE.**

6 **(C) THE EMPLOYEE SHALL BE PLACED IN THE REGISTRY IF:**

- 7 (1) **THE EMPLOYEE GRIEVANCE PROCEDURE ADOPTED BY THE**
8 **HEALTH CARE FACILITY IN ACCORDANCE WITH § 19-351(E) OF THIS SUBTITLE**
9 **HAS BEEN FOLLOWED;**
- 10 (2) **AN INVESTIGATION HAS BEEN COMPLETED BY BOTH THE**
11 **HEALTH CARE FACILITY AND AN APPROPRIATE AUTHORITY;**
- 12 (3) **THE ABUSE HAS BEEN DEEMED TO HAVE OCCURRED;**
- 13 (4) **THE EMPLOYEE HAS BEEN TERMINATED; AND**
- 14 (5) **NO CHARGES HAVE BEEN FILED.**

15 **(D) (1) A HEALTH CARE FACILITY MAY ACCESS THE REGISTRY IF:**

16 **(I) THE LICENSING AUTHORITY HAS DETERMINED THAT**
17 **THE HEALTH CARE FACILITY SHOULD HAVE ACCESS TO THE REGISTRY; AND**

18 **(II) THE HEALTH CARE FACILITY IS DETERMINING**
19 **WHETHER AN INDIVIDUAL SEEKING EMPLOYMENT IS LISTED IN THE REGISTRY.**

20 **(2) THE HEALTH CARE FACILITY MAY NOT ALLOW AN EMPLOYEE**
21 **TO ACCESS THE REGISTRY UNLESS THE EMPLOYEE HAS BEEN GRANTED ACCESS**
22 **TO CONFIDENTIAL RECORDS.**

23 **(E) A PERSON RESPONSIBLE FOR AN INDIVIDUAL WHO IS RECEIVING**
24 **CARE BY AN IN-HOME AIDE MAY ACCESS THE REGISTRY.**

1 (a) Except as provided in subsections (b) [and], (d), **AND (F)** of this section,
2 this subtitle does not affect the right of a hospital or related institution to employ **ANY**
3 **INDIVIDUAL** or appoint staff.

4 **(E) EACH HEALTH CARE FACILITY SHALL ADOPT AN EMPLOYEE**
5 **GRIEVANCE PROCEDURE.**

6 **(F) A HEALTH CARE FACILITY MAY NOT EMPLOY AN INDIVIDUAL WHO IS**
7 **LISTED IN THE REGISTRY ESTABLISHED UNDER § 19-347.1 OF THIS SUBTITLE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.